



Extraordinary Meeting of the Joint Transport Committee Tyne and Wear Sub-Committee

Wednesday, 24th April, 2024 at 2.00 pm

Meeting to be held in the Blaydon Room, Gateshead Civic Centre, Regent Street, Gateshead, NE8 1HH

AGENDA

Page No

1. **Apologies for Absence**

2. **Declarations of Interest**

Please remember to declare any personal interest where appropriate both verbally and by recording it on the relevant form (and submit it to the Democratic Services Officer). Please also remember to leave the meeting where any personal interest requires this.

3. **Tyne Tunnels ADR Tunnel Category**

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4. **Exclusion of the Press and Public**

The Tyne and Wear Sub-committee may wish to exclude the press and public during consideration of item 5 by virtue of paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

5. **Nexus Non-Executive Directors**

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North East Joint Transport Committee, Tyne and Wear Sub-Committee

Date: 24 April 2024

Subject: Tyne Tunnels ADR Tunnel Category

Report of: Managing Director, Transport North East

Executive Summary

The report provides information for members to decide on the submission of a revision to the ADR tunnel category for the Tyne Tunnels to the Secretary of State for Transport. The ADR is the 'Agreement concerning the Carriage of Dangerous Goods by Road' and the tunnel category is assigned by the competent authority, which in this case is the North East Combined Authority acting as traffic authority for the Tyne Tunnels.

The proposal is to change the categorisation from 'D' to 'C', based upon a recent independent quantitative risk assessment which demonstrated that the tunnel safety equipment, operations and practices are aligned to other operators with a 'C' Category within the UK.

There will be no changes to TT2 Limited's operating practices and procedures which are based on best practice within the industry.

Recommendations

The North East Joint Transport (Tyne and Wear) Sub-Committee is recommended to approve the submission of a revision to the ADR tunnel category for the Tyne Tunnels to the Secretary of State for Transport.

1. Background Information

- 1.1 The Tyne Tunnels are jointly owned by the five Tyne and Wear Councils through their membership of the North East Combined Authority (NECA) and the North of Tyne Combined Authority (NTCA). Through the region's joint transport arrangements, the interests of the local authorities are represented by the Joint Transport Committee's Tyne and Wear Sub Committee (TWSC) and administered by officers of Transport North East (TNE).
- 1.2 TT2 Limited are the Concessionaire and are responsible for the day-to-day management and operation of the Tunnels, in accordance with the Project Agreement which is in place from 2007 to 2037. This is monitored by a Strategic Infrastructure Contract Manager in TNE.
- 1.3 The relevant legislation for the transportation of dangerous goods through road tunnels is the Agreement concerning the International Carriage of Dangerous Goods by Road (ADR). The ADR requires the application of restrictions to the passage of vehicles carrying dangerous goods through tunnels depending on the tunnel characteristics, the risk profile, including the availability and suitability of alternative routes and modes, and traffic management considerations. Within ADR, tunnels are assigned a category from A to E to control the transport of dangerous goods through them, with Category A the lowest risk and Category E the highest risk. The 'competent authority' is responsible for assigning the tunnel category, which in the case of the Tyne Tunnels is the NECA, acting as traffic authority for the tunnels.
- 1.4 The Tyne Tunnels were assigned Category D when the ADR classification was implemented in January 2010 on the basis that this enabled TT2 to maintain good practice of escorting certain dangerous goods traffic through the tunnels as provided for in the Tyne Tunnels Byelaws. However, a recent independent quantitative risk assessment commissioned by TT2 demonstrated that the Tyne Tunnels safety equipment, operations and practices are aligned to other operators with a 'C' Category within the UK. Furthermore, the Tyne Tunnels have the lowest level of risk (breaches of dangerous goods) in comparison to other crossings. As such TT2 have proposed changing the tunnel category from 'D' to 'C' to reflect that the Tyne Tunnels are effectively safer than the existing categorisation indicates.
- 1.5 TT2 are not proposing any changes to their existing operating practices which are in line with the Tyne Tunnels Byelaws (2021) that provide TT2 with the authority to restrict and regulate the passage of dangerous goods or traffic through the tunnel crossing using the powers granted to NECA by Section 41(2)(n) of the River Tyne (Tunnels) Order 2005. As such, the proposed alteration of the ADR tunnel category will not result in a change to the safety profile of the tunnels.
- 1.6 TNE's Tyne Tunnels engineering consultants, Arup, have reviewed and provided comments on the independent quantitative risk assessment to provide assurance to NECA for the proposed change.
- 1.7 The NECA, acting as the competent authority, are required to notify the Secretary of State for Transport for the purpose of updating the Department for Transport website and other relevant publications.

2. Proposals

- 2.1 Based on the findings of the recent independent quantitative risk assessment, it is proposed that the NECA, acting as traffic authority for the Tyne Tunnels, changes the ADR tunnel category from 'D' to 'C' and notifies the Secretary of State for Transport accordingly. This reflects the risk profile determined by the tunnel characteristics and TT2's operating practices. There are no changes proposed to the tunnel structures or traffic management procedures.

3. Reasons for the Proposals

- 3.1 The reason for the proposed change to the ADR tunnel category for the Tyne Tunnels is to align the categorisation with the safety profile which is influenced by the tunnel safety equipment, operations and practices. This will address a potential inconsistency arising from the historic ADR categorisation and the operating practice provided for through the Tyne Tunnels Byelaws (2021). The change will also ensure the ADR tunnel category for the Tyne Tunnels is consistent with other similar crossings.
- 3.2 Responsibility for the Project Agreement with TT2 is a function delegated by the Joint Transport Committee (JTC) to the TWSC. As such, the TWSC are acting on behalf of the NECA to implement the change to the ADR tunnel category and notify the Secretary of State for Transport.

4. Alternative Options Available

- 4.1 Option 1 - The North East JTC TWSC may accept the recommendation presented in this report to approve the submission of a revision to the ADR tunnel category for the Tyne Tunnels to the Secretary of State for Transport.

Option 1 is recommended because it ensures that the ADR tunnel categorisation aligns with the safety profile of the tunnels.

- 4.2 Option 2 – The North East JTC TWSC may not accept the recommendation presented in this report. This will mean that the ADR tunnel category is not appropriate for the safety profile of the Tyne Tunnels, including the current operating practice.

5. Next Steps and Timetable for Implementation

- 5.1 If the recommendation presented in this report is accepted, NECA will proceed immediately with notifying the Secretary of State for Transport of the change to the ADR tunnel category.
- 5.2 TT2 will inform the Tunnels Design and Safety Consultation Group (TDSCG) of the change as well as the Northumbria Local Resilience Forum (LRF) which includes the emergency services and specific supporting agencies. Following this notification, TT2 will amend the road signage and relevant literature as well as coordinate an information campaign to all local and national freight haulage companies.

6. Potential Impact on Objectives

6.1 There are no impacts on the objectives of the Strategic Economic Plan or North East Transport Plan arising directly from this report.

7. Financial and Other Resources Implications

7.1 There are no financial implications arising directly from this report.

8. Legal Implications

8.1 The NECA, acting as the traffic authority for the Tyne Tunnels, are undertaking the duty of the 'competent authority' as defined in The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009, to assign the appropriate ADR tunnel category.

9. Key Risks

9.1 There are no key risks associated with this report.

10. Equality and Diversity

10.1 There are no implications for equalities and diversity arising directly from this report.

11. Crime and Disorder

11.1 There are no implications for Crime and Disorder arising directly from this report.

12. Consultation/Engagement

12.1 The Head of Paid Service, Monitoring Officer and Chief Finance Officer have been consulted. Regular updates are provided to the TWSC. TT2's website and the TPCT website both provide updates to the public on all matters related to the Tunnels.

13. Other Impact of the Proposals

13.1 Not applicable.

14. Appendices

None.

15. Background Papers

River Tyne (Tunnels) Order 2005

River Tyne (Tunnels) (Modification) Order 2011

Tyne Tunnels Byelaws 2021

16. Contact Officers

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17. Sign off

- The Proper Officer for Transport:
- Head of Paid Service:
- Monitoring Officer:
- Chief Finance Officer:

18. Glossary

ADR – Agreement concerning the Carriage of Dangerous Goods by Road

JTC – Joint Transport Committee

TWSC – Tyne & Wear Sub-Committee

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

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